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March 15, 2011

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

Shelter Locations

Downey Shelter
11258 S. Garfield Ave.
Downey, CA 90242
(562) 940-6898

Carson Shelter
216 W. Victoria St.
Gardena, CA 90248
(310) 523-9566

Baldwin Park Shelter
4275 N. Elton St.
Baldwin Park, CA 91706
(626) 962-3577

Lancaster Shelter
5210 W. Avenue I
Lancaster, CA 93536
(661) 940-4191

Castaic Shelter
31044 N. Charlie Cyn.
Road
Castaic, CA 91384
(661) 257-3191

Agoura Shelter
29525 Agoura Rd.
Agoura, CA 91301
(818) 991-0071

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

43 March 15, 2011

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**DEPARTMENT OF ANIMAL CARE AND CONTROL
ADDITIONS AND CHANGES TO THE
LOS ANGELES COUNTY CODE, TITLE 10 – ANIMALS
(ALL SUPERVISORAL DISTRICTS)
(3 VOTES)**

Approval of the recommended amendments to Title 10 of the County Code will better protect animals, both as individual pets and those housed in commercial animal facilities. Additionally, the proposed changes will better serve the public by more effectively regulating the production of animals sold as pets as well as the care of animals housed in commercial animal facilities such as pet stores, grooming parlors, breeding facilities and boarding kennels.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve the Ordinance amending Title 10 – ANIMALS of the Los Angeles County Code to add, delete, and modify the relevant sections related to the care of animals; and
2. Introduce, waive reading, and adopt the Ordinance.

PURPOSE/JUSTIFICATION FOR RECOMMENDED ACTION

These proposed changes began by motion of Mayor Michael D. Antonovich in response to the lack of care provided to animals in certain facilities. A review of the County Code indicated the need for new language to protect animals and the consumers who use the services of commercial animal facilities.

The proposed changes will better protect animals in the County's jurisdiction by enhancing and clarifying animal caretaking standards regarding grooming, tethering, housing, and exercise. Crates and other mobile enclosures must be secured so there is no danger to the animals, and enclosures with wire bottoms may only be used temporarily and be in compliance with Health and Safety Code Sections 122065 and 122065.5. These changes will protect all animals in the County's jurisdiction, including individual pets.

Animal facilities will be required to comply with Federal laws, have smoke alarms and means of fire suppression, and have adequate staffing for the number of animals housed. Such facilities selling dogs and cats to the public will be required to post additional information regarding the source of the animal.

Animal facilities breeding dogs may be required to obtain approval to operate from the Los Angeles County Department of Public Health, Veterinary Services division. Dog breeding facilities will be generally limited to housing no more than fifty (50) sexually intact dogs more than one (1) year of age. Facilities may exceed that number if additional requirements are met.

All breeders will be required to separate pregnant females from other adult dogs at least three days before giving birth; provide nesting boxes for mothers and litters; microchip or tattoo dogs at the age of four (4) months; keep records for tracking the animals; refrain from breeding female dogs less than twelve (12) months of age; and keep offspring on the premises until they are at least eight (8) weeks of age.

Facilities housing 51 or more sexually intact dogs older than the age of one (1) year will be re-inspected additional times each year depending on the number of animals housed; must demonstrate they can properly care for the larger number of animals; must maintain a written medical program and ensure annual veterinary examinations for the dogs; have an emergency response plan; and staff the facility 18 hours a day. Additional requirements for recordkeeping and sales advertising will protect the consumer from purchasing sick or substandard animals, and will allow the County to track the source of sick animals that may be contagious to people. Breeding of animals other than dogs may be subject to reasonable conditions imposed by the Department in the interest of the health and safety of the animals.

Violations of this ordinance are punishable as an infraction for the first violation and a misdemeanor for subsequent violations within one (1) year from the date of the first violation. The County may also file a civil action to obtain an injunction requiring compliance with the ordinance.

Implementation of Strategic Plan Goals

The recommended action supports the County's Strategic Plan Goal of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3) through ensuring the County Code provides for the safety and well-being of resident's pets; better protects consumers who utilize animal facility services and products; and enhances the County's ability to protect people and animals.

FISCAL IMPACT/FINANCING

The recommended action will have no fiscal impact. Costs for additional inspections performed as required under this ordinance will be paid by the animal facility operator. This recommended action enhances animal welfare and consumer protection.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The proposed Ordinance change will allow the Department to better regulate and enforce animal care standards. It is recommended that your Board approve the proposed Ordinance changes to:

Amend Los Angeles County Code to add §10.40.200 Breeding License, restrictions and requirements to provide better protection for animals housed in breeding facilities as well as enhance consumer protection for those who purchase animals generated in commercial breeding operations.

Amend Los Angeles County Code §10.28.050 A to require compliance with applicable federal laws.

Amend Los Angeles County Code §10.36.080 and §10.40.040 A (2) and (4) to expand recordkeeping requirements.

Amend Los Angeles County Code to add §10.40.040 C and §10.40.100 B to require notice regarding the source of origin for animals being sold

Amend Los Angeles County Code §10.40.010 J to require animal facility housing to have working smoke alarms and means of fire suppression.

Amend Los Angeles County Code §10.40.010 G to limit the tethering of animals to comport with existing law found in California Health and Safety Code §122335.

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Amend Los Angeles County Code §10.40.010 C to require animals be groomed and kept in a manner which is not injurious to their health.

Amend Los Angeles County Code §10.40.010 L to establish minimum housing standards for animals, including the use of mobile enclosures and wire flooring.

Amend various sections in the Los Angeles County Code that reword language with no substantive changes.

The proposed changes to the Los Angeles County Code Title 10 have been approved by County Counsel.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The recommended action will enhance the Department's ability to protect the welfare of animals by increasing the standards of humane animal care. This action will also improve consumer protection because animals bred in commercial facilities, purchased from pet stores, temporarily housed in boarding facilities, groomed in grooming parlors or otherwise kept in animal facilities will be better monitored, cared for and tracked.

CONCLUSION

Approval of the recommended changes to Title 10 of the County Code will improve animal welfare and consumer protection. A summary of all changes is listed on the attached chart in the order they appear in the ordinance. Please return one adopted copy of this letter to the Department of Animal Care and Control.

Respectfully submitted,



MARCIA MAYEDA
Director

MM:mtm

Attachment

c: Chief Administrative Office
County Counsel

SUMMARY OF ANIMAL WELFARE ORDINANCE
Los Angeles County Code—Title 10
Rev. February 8, 2011

| SECTION | PAGE | SUMMARY OF PROVISION | COMMENT/BENEFIT TO ANIMALS |
|--------------|------|--|--|
| 10.08.190 | 1 | Amends definition of "person" under Title 10 to include an individual, a company, a limited liability company or other legal entity. | Clarification of meaning of "person" |
| 10.28.010 | 1 | Amends application of chapter to exclude individual cat licenses (already excluded individual dog licenses). | In general, Chapter 28 applies to licensing requirements for animal facilities and licenses for wild animals, not to individual cat and dog licenses. |
| 10.28.050 | 1 | Added requirement to comply with federal law; | Additional requirement to ensure compliance with all applicable animal welfare laws. |
| 10.28.060 | 2-4 | Removes option of facility obtaining zoning permit in lieu of animal facility license. | All facilities must comply with the same animal welfare requirements under Title 10. |
| 10.28.090 | 4 | Removes "establishment" and substitutes "animal facility." | Language more clearly identifies the nature of the activity. |
| 10.32.070 | 4 | Removes "cat kennel" language and substitutes "animal facility keeping cats." | Cats are not customarily maintained in "kennels." |
| 10.36.080 | 4 | Language change re recordkeeping. | Clarifies DACC recordkeeping requirements for impounded animals |
| 10.37.100 | 5 | Removes "kennel" and substitutes "animal" facility. | Language more clearly identifies the nature of the activity. |
| 10.40.010 | 6 | Removes "establishments" and substitutes "facilities." | This section and all of its subsections have always, and still apply to individual owners as well as to all animal facilities, including those that breed animals. |
| 10.40.010 B. | 6 | Adds requirement of potable and readily accessible water for animals. | Ensures that sufficient clean, potable water is available for animals. |

| SECTION | PAGE | SUMMARY OF PROVISION | COMMENT/BENEFIT TO ANIMALS |
|--|-------|---|---|
| 10.40.010 C. | 6 | Requires animals to be groomed and kept in a manner not injurious to health. Buildings and enclosures must be kept clean to control odors and prevent the spread of disease. | Prevents owners from permitting their animals to become so severely matted that the animals' health and safety are jeopardized; requires the sanitary maintenance of facilities. |
| 10.40.010 E. | 6-7 | Reference to 10.40.200 re staffing requirements for breeders; | Reference to additional staffing requirements for facilities with over 50 dogs (10.40.200.A.3.d); |
| 10.40.010 F. | 7 | Re-worded for clarification. | |
| 10.40.010 G. | 7 | Tethering of animals is prohibited except as permitted under California Health and Safety Code § 122335. | Clarification of County policy on the tethering of animals by referencing state law. |
| 10.40.010 I. | 7 | Removes "establishment" and substitutes "facility" clarifies language. | |
| 10.40.010 J. | 7 | Adds requirement that buildings and enclosures be kept in good repair. Adds requirement that animal facilities be equipped with working smoke alarms and have means of fire suppression. | Requirement that buildings be in good repair and are equipped with working smoke alarms to better ensure the safety of the animals |
| 10.40.010 K | 8 | Re-worded to clarify meaning. | |
| 10.40.010 L | 8 | Re-worded to clarify meaning; requirements relating to wire bottoms and stacking of enclosures. | Wire bottom provision added to maintain consistency with state law that it must comply with state standards and can only be used temporarily. Stacking restrictions added to ensure safety of animals and cleanliness of enclosures. |
| 10.40.010 N, O P, Q, R, S, T, U, V, W, X | 8-10 | Re-worded to clarify meaning. | |
| 10.40.040 | 10-11 | Re-worded to clarify meaning; changes re animal facility record keeping requirements—adding "other available identifying information," and adding a requirement that animal facilities selling dogs or cats to the public post a notice on each cage identifying the breeder or the person from whom the animal was obtained. | Requires animal facilities to keep additional records relating to allow consumers to identify the breeder and to research the quality of the breeding program; protects public health and safety in the cases of zoonotic disease transmission. |

| SECTION | PAGE | SUMMARY OF PROVISION | COMMENT/BENEFIT TO ANIMALS |
|--------------|-------|--|---|
| 10.40.100. | 11 | Removes "kennel," re-worded to clarify meaning and adds requirement that advertisements for the sale or adoption of an animal include the animal facility license number or breeding license number of the seller. | Listing of the animal facility license number helps prevent unlicensed sellers, allows purchasers to research the quality of the source breeder/supplier |
| 10.40.200 A. | 11-13 | <p>New requirements for an animal facility breeding license. No more than 50 sexually intact dogs over the age of 12 months, unless facility meets additional requirements including more inspections:</p> <p>(1) More inspections for larger number of dogs (up to 6 inspections per year);</p> <p>(2) Facility demonstrates that it can house and care for the number of animals in compliance with all requirements of Title 10;</p> <p>(3) Facility provides written medical program, approved by CA licensed vet to prevent and control illness and parasitism;</p> <p>(4) Annual vet exam for all intact dogs over one year of age;</p> <p>(5) Facility obtains approval for emergency response plan;</p> <p>(6) Facility maintains adequate staffing 18 hours a day;</p> <p>(7) Must leave contact info when animals are left unattended.</p> | <p>Section 10.40.200 is an entirely new section developed to meet the concerns regarding the welfare of breeding animals.</p> <p>The Breeding License requirements in this section are <i>in addition</i> to the standard animal facility license requirements (10.28.050) and in addition to all applicable federal and state laws relating to the breeding of animals. In some situations, the Dept. of Public Health/Veterinary Services will inspect and will be able to help monitor the health of animals and zoonotic disease transmission.</p> |
| 10.40.200 B. | 14 | Adds requirements re health of animals: breeding animals be at least 12 months of age and may not be removed from premises earlier than 8 weeks unless approved by a veterinarian. | Prevents breeding before 12 months of age and early separation, to maintain the health and well being of breeding animals and their offspring. |
| 10.40.200 C | 14-15 | Adds requirements for housing: in addition to compliance with 10.40.010, the ordinance adds housing requirements for pregnant dogs and those that have just given birth. | Requires the separation of whelping mothers to protect the safety of their offspring, reduce stress. |

| SECTION | PAGE | SUMMARY OF PROVISION | COMMENT/BENEFIT TO ANIMALS |
|--------------|-------|--|--|
| 10.40.200 D | 15 | Adds requirement for record-keeping: Current records must be kept, including microchip/tattoo records, date acquired, dates of litters, veterinary records, etc. Knowingly providing false information is a misdemeanor. | Allows for better tracking and monitoring in cases of illegal sales, zoonotic disease transmission, and consumer fraud. Penalizes knowingly providing false information or records. |
| 10.40.200 E. | 15-16 | Director may impose reasonable restrictions on the breeding of animals other than dogs and cats. | Many other species are bred for the pet trade. Specific requirements for each species would be overly cumbersome for inclusion in a County ordinance. This section allows for reasonable restrictions to be placed on the breeding of other species of animals, as necessary. Examples may be pet birds, guinea pigs, or reptiles. |
| 10.40.200 F | 16 | Non-compliance--penalties: <u>First violation</u> is an infraction punishable by fine not to exceed \$250; failure to correct cause of violation within 30 days is a deemed 2 nd violation; <u>Second violation</u> within a year of the first violation is a second violation punishable by a imprisonment in County jail or fine not to exceed \$1,000 or by both. Each subsequent violation within one year is considered an additional misdemeanor. | Increased penalties for violations consistent with the provisions of 10.20.375 (spay/neuter ordinance). Department may also seek suspension or revocation of license through the Business License Commission. |
| 10.40.200 G. | 16-17 | Non-Compliance—Injunctive Relief | This will be a warning to facilities failing to comply, that the County can file for injunctive relief to obtain a court order requiring compliance (e.g.—reduce number of animals, etc.) instead of waiting for a criminal case to run its course. |